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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,574	07/16/2001	Takehiko Shioda	FUJI.007	2363
21254	7590	02/23/2005	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			THEIN, MARIA TERESA T	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary

Application No.

09/904,574

Applicant(s)

SHIODA ET AL.

Examiner

Marissa Thein

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) 15-30 and 33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-14,31 and 32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11-20-03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group One (I), claims 1-14 and 31-32 in the reply filed on November 30, 2004 is acknowledged.

Claims 15-30 and 33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on November 30, 2004.

Applicants are respectfully requested to cancel the non-elected claims in response to the Office Action.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

The drawings filed on October 26, 2001 has been acceptable.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 and 31-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal

translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 5-6, 9, 11, 14, and 31-32 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,101,483 to Petrovich et al.

Regarding claims 1-2, 5-6, 9, 11, and 31-32, Petrovich discloses an information service providing method for providing an information service to a plurality of information terminals through communication line comprising the steps of: receiving a request from the information terminal through a first communication line (home personal computer 68, col. 6, lines 9-11; col. 9, lines 40-50); sending a reply to the request to the information terminal through not only said first communication (home personal computer) but also a second communication line (portable terminal 40) different from the first communication line depending on the content of the said request (col. 11, lines 18-25, Figure 1). Furthermore, Petrovich disclose a first information terminal (home computer); and a second information terminal (portable terminal); and an information providing apparatus (host computer 16) for sending the desired information to the

information terminal through a second communication line, col. 9, lines 12-25).

Moreover, Petrovich discloses the first communication line is an Internet line (Internet, col. 4, lines 4-5).

Regarding claim 14, Petrovich discloses a mobile communication terminal (portable terminal 40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,101,483 to Petrovich et al. Although the reference is silent to the particular communication line, it would have been obvious to one of ordinary skill in the art to have provided the communication line already disclosed by Petrovich to have been a communication line capable of occupying communication temporarily, such communication line would have been recognized by the skilled artisan as being one of numerous communication line suitable for communicating. Moreover, applicant has not persuasively demonstrated that the particular communication line is critical or is anything more than one of the numerous communication lines that the skilled artisan would have found suitable for the purpose taught by Petrovich. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the

invention to provide a communication line capable of occupying communication temporarily, such as the communication line taught in Petrovich, for the purpose of having a two-way communication.

Claims 4, 8, 10 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,101,483 to Petrovich et al. in view of U.S. Patent No. 5,983,100 to Johansson et al.

Regarding claims 4, 8, and 13, Petrovich substantially discloses the claimed invention, however, it does not explicitly disclose the switched subscriber line for governing telephone communication. Petrovich discloses a portable terminal which includes a wireless transceiver which is coupled to the memory and which is configured for wireless communication with the optional at least one wireless multi-access point when a user of the system takes the portable terminal into a shopping establishment (col. 5, lines 9-14).

Johansson, on the other hand, discloses the switched subscriber line for governing telephone communication (col. 6, lines 31-41; col. 8, lines -13).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method, system, terminal, and apparatus of Petrovich, to include the switched subscriber line for governing telephone communication, as taught by Johansson, in order to provide a two-way communication device which are selectable operable to communicate with each other (Johansson, col. 3, lines 27-29).

Regarding claim 10, Petrovich substantially discloses the claimed invention, however, it does not disclose short-range radio interface. Petrovich discloses a portable terminal which includes a wireless transceiver which is coupled to the memory and which is configured for wireless communication with the optional at least one wireless multi-access point when a user of the system takes the portable terminal into a shopping establishment (col. 5, lines 9-14).

Johansson, on the other hand, discloses the short-range interface (col. 6, lines 31-41).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method, system, terminal, and apparatus of Petrovich, to include the short-range interface, as taught by Johansson, in order to provide a two-way communication device which are selectable operable to communicate with each other (Johansson, col. 3, lines 27-29).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 6,577,861 to Ogasawara discloses an electronic shopping system which utilizes a program downloadable wireless telephone into which a purchase transaction program is downloaded from a vendor's server to enable a shopper to perform purchase transactions.

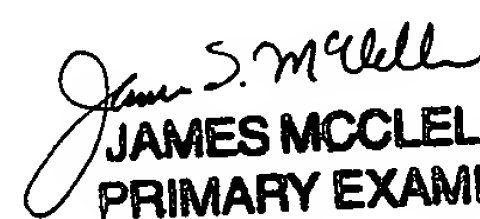
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 703-305-5246. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mtot
February 15, 2005


JAMES MCCLELLAN
PRIMARY EXAMINER
2/18/05